

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
XACTA 3000, INC.

Index No. 08 CIV 3863

Plaintiff(s)  
against  
TVMARKETPLACE LLC D/B/A YOURSTORE ONLINE  
Defendant(s)

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**

SEE ATTACHED RIDER

WISCONSIN  
STATE OF ~~NEW YORK~~, COUNTY OF WAUKESHA  
SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides ~~IN~~ IN THE STATE OF WISCONSIN  
That on 5/13/08 at 10:30AM., at 1005 PERKINS AVENUE, WAUKESHA, WISCONSIN  
deponent served the within summons, and complaint on defendant therein named,  
SEE ATTACHED RIDER TV MARKETPLACE LLC D/B/A YOURSTORE ONLINE

INDIVIDUAL  
1. ☐ by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.  
CORPORATION  
2. ☒ a DOMESTIC corporation, by delivering thereat a true copy of each to CHRIS REOCH personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be REGISTERED AGENT thereof.  
SUITABLE AGE PERSON  
3. ☐ by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.  
AFFIXING TO DOOR, ETC.  
4. ☐ by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

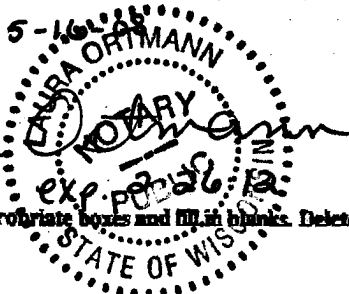
MAILING TO RESIDENCE  
USE WITH 3 OR 4  
5. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.  
MAILING TO BUSINESS  
USE WITH 3 OR 4  
6. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.  
DESCRIPTION  
USE WITH 1, 2, OR 3  
7. ☒ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.  
☐ Female ☐ Black Skin ☒ Brown Hair ☐ Balding ☒ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.  
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☐ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.  
☐ Brown Skin ☐ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☒ 5'9"-6'0" ☒ 161-200 Lbs.  
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

USE IN NYC CIVIL CT.  
8. ☐ The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE  
9. ☐ I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on



*David Mokros*  
PRINT NAME BEYOND SIGNATURE  
DAVID MOKROS

License No. \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X INDEX NO. 08 CIV 3863  
XACTA 3000, INC.

Plaintiff

against

RIDER TO  
AFFIDAVIT  
OF SERVICE

TV MARKETPLACE LLC D/B/A YOURSTORE  
ONLINE,

Defendant.

-----X

LISTS OF DOCUMENTS SERVED:

1. Summons in a Civil Action;
2. Complaint;
3. Civil Cover sheet;
4. Rule 7.1 Statement;
5. Individual Practices of Judge Barbara S. Jones;
6. Individual Practices of Magistrate Judge Theodore H. Katz;
7. 3<sup>rd</sup> Amended Instructions for Filing an Electronic Case or Appeal;
8. Guidelines for Electronic Case Filing; and
9. Procedures for Electronic Case Filing.

AO 440 (Rev. 8/01) Summons in a Civil Action

**JUDGE JONES**

**UNITED STATES DISTRICT COURT**

Southern

District of

New York

XACTA 3000, INC.

**SUMMONS IN A CIVIL ACTION**

V.

TVMARKETPLACE LLC d/b/a YOURSTORE  
ONLINE

CASE NUMBER:

**08 CIV 3863**

TO: (Name and address of Defendant)

TV Marketplace LLC  
d/b/a YourStore Online  
18960 W Greenfield Avenue  
Brookfield, Wisconsin 53045

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael F Sarney  
Katten Muchin Rosenman LLP  
575 Madison Avenue  
New York, N.Y. 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**APR 24 2008**

CLERK

DATE

(By) DEPUTY CLERK